

ESTTA Tracking number: **ESTTA193910**Filing date: **02/20/2008**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Sysco Corporation
Granted to Date of previous extension	02/20/2008
Address	1390 Enclave Parkway Houston, TX 77077-1390 UNITED STATES
Attorney information	Nathan C. Belzer Belzer PC 2905 Bull St. Savannah, GA 31405 UNITED STATES nbelzer@belzerlaw.com

**Applicant Information**

Application No	77102848	Publication date	10/23/2007
Opposition Filing Date	02/20/2008	Opposition Period Ends	02/20/2008
Applicant	PINcheck, L.C. 338 SW 6th Street Des Moines, IA 50309 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009.

All goods and services in the class are opposed, namely: magnetically encoded debit cards for use in donating a portion of the user's transaction fee to a charitable organization

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

**Marks Cited by Opposer as Basis for Opposition**

U.S. Application No.	77184275	Application Date	05/18/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SYSCO ICARE YOU'VE GOT CONNECTIONS.		
Design Mark			
Description of	The mark consists of the word SYSCO in blue lettering directly above the		

Mark	wording ICARE in black lettering with a design of a yellow sun dotting the "i" in ICARE, all of which appears above a solid blue line underneath which appears the wording YOU'VE GOT CONNECTIONS., and all of which is superimposed upon a white background.
Goods/Services	Class 035. First use: Business services, namely, providing marketing and advertising consultation services, sales promotion services, public relations services, and developing advertising and promotional campaigns, for professionals in the food industry

U.S. Registration No.	2835832	Application Date	01/24/2002
Registration Date	04/27/2004	Foreign Priority Date	NONE
Word Mark	ICARE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2001/10/15 First Use In Commerce: 2001/10/15 Business services, namely providing marketing and advertising consultation services, sales promotion services, public relations services, and developing advertising and promotional campaigns, for professionals in the food industry		

U.S. Registration No.	3342939	Application Date	02/19/2007
Registration Date	11/27/2007	Foreign Priority Date	NONE
Word Mark	ICARE FROM SYSCO		
Design Mark			
Description of Mark	The mark consists of a lower case "i" in blue and the word CARE in black on top of the underlined words FROM SYSCO which are in yellow and in script and slanted.		
Goods/Services	Class 035. First use: First Use: 2003/10/01 First Use In Commerce: 2003/10/01 Business services, namely providing marketing and advertising consultation services, sales promotion services, public relations services, and developing advertising and promotional campaigns, for professionals in the food industry		

Attachments	77184275#TMSN.jpeg ( 1 page )( bytes ) 76363039#TMSN.gif ( 1 page )( bytes ) 77110681#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition -- ICARECARD.pdf ( 4 pages )(64060 bytes )
-------------	--

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Nathan C. Belzer/
Name	Nathan C. Belzer
Date	02/20/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<hr/>	§	
Sysco Corporation	§	Mark: ICARECARD
	§	
Opposer	§	
	§	
v.	§	Application No.: 77/102,848
	§	
	§	Published: October 23, 2007
PINcheck, L.C.	§	
	§	Attorney Docket No.: 13565-1
Applicant	§	
<hr/>	§	
	§	

**Notice of Opposition**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

Sir:

Opposer, Sysco Corporation, a Delaware corporation with a business address of 1390 Enclave Parkway, Houston, Texas 77077-1390, hereby opposes registration of the mark ICARECARD that is the subject of application Serial No. 77/102,848 published in the Official Gazette of October 23, 2007, and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer, for many years and since long prior to any date of first use upon which Applicant can rely, has adopted and continuously used the mark ICARE in connection with *“business services, namely providing marketing and advertising consultation services, sales promotion services, public relations services, and developing advertising and promotional campaigns, for professionals in the food industry”* as well as numerous other products and services offered through Opposer’s third-party vendors.

2. Sysco is currently the owner of the following federal trademark registrations and application related to the ICARE mark:

- Registration No. 2,835,832 for the mark ICARE as used for “*business services, namely providing marketing and advertising consultation services, sales promotion services, public relations services, and developing advertising and promotional campaigns, for professionals in the food industry*” in International Class 35;

- Registration No. 3,342,939 for the mark ICARE FROM SYSCO used for “*business services, namely providing marketing and advertising consultation services, sales promotion services, public relations services, and developing advertising and promotional campaigns, for professionals in the food industry*” in International Class 35; and

- Application Serial No. 77/184,275 for the mark SYSCO ICARE YOU'VE GOT CONNECTIONS. (and design) for “*business services, namely providing marketing and advertising consultation services, sales promotion services, public relations services, and developing advertising and promotional campaigns, for professionals in the food industry*” in International Class 35.

3. The dominant portion of Applicant’s mark is identical in sound and pronunciation to the term ICARE.

4. The goods listed in Applicant’s application are related to goods and services offered by Opposer under its ICARE family of marks.

5. Based on the foregoing, Opposer believes that Applicant’s mark so resembles Opposer’s previously used marks as to be likely, when applied to the goods set forth in Applicant’s application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

Wherefore, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

Sysco Corporation

Date: 2/20/08

By: 

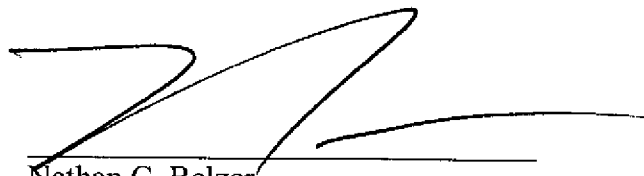
Nathan C. Belzer  
Attorney for Opposer

Belzer PC  
2905 Bull St.  
Savannah, GA 31405  
(912) 236-3001 - Telephone  
(912) 236-3003 - Facsimile

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this the 20th of February, 2008, a true and correct copy of the foregoing Notice of Opposition was sent via email and first class mail to Applicant's correspondent listed in the TARR database at the following addresses:

Timothy J. Zarley  
Zarley Law Firm, P.L.C.  
400 Locust Street  
Capital Square, Suite 200  
tzarley@zarleylaw.com

  
\_\_\_\_\_  
Nathan C. Belzer